

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BRICK POMMERROY HOUSTON, JR.,

Case No. 2:20-cv-01531-GMN-NJK

Plaintiff

**ORDER**

v.

SGT. DOWNEY, *et al.*,

Defendants

**I. DISCUSSION**

On August 18, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. Docket Nos. 1-1, 1. Plaintiff’s application to proceed *in forma pauperis* is incomplete.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3);

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form); and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Plaintiff has not submitted an application on this Court’s approved form or a financial certificate and an inmate account statement for the previous six-month period. Accordingly, the Court denies Plaintiff’s application to proceed *in forma pauperis*, Docket No. 1, without prejudice

1 because the application is incomplete. The Court will grant Plaintiff a **one-time extension** to file  
2 a fully complete application to proceed *in forma pauperis* containing all three of the required  
3 documents. Plaintiff will file a fully complete application to proceed *in forma pauperis* on or  
4 before **October 20, 2020**. Absent unusual circumstances, the Court will not grant any further  
5 extensions of time. If Plaintiff does not file a fully complete application to proceed *in forma*  
6 *pauperis* with all three required documents on or before **October 20, 2020**, the Court will dismiss  
7 this case without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to  
8 acquire all three of the documents needed to file a fully complete application to proceed *in forma*  
9 *pauperis* or pays the full \$400 filing fee.

10 A dismissal without prejudice means Plaintiff does not give up the right to refile the case  
11 with the Court, under a new case number, when Plaintiff has all three documents needed to submit  
12 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file  
13 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before  
14 **October 20, 2020** to proceed with this case.

15 The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will  
16 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed  
17 *in forma pauperis* with all three documents or pays the full \$400 filing fee.

## 18 **II. CONCLUSION**

19 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma*  
20 *pauperis*, Docket No. 1, is denied without prejudice to file a new fully complete application to  
21 proceed *in forma pauperis* with all three documents.

22 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved  
23 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
24 information and instructions for filing an *in forma pauperis* application.

25 IT IS FURTHER ORDERED that, on or before **October 20, 2020**, Plaintiff will either pay  
26 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50  
27 administrative fee) or file with the Court:

28 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's

1 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
2 3),

3 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
4 (i.e. page 4 of this Court's approved form), and

5 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**  
6 **six-month period.**

7 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to  
8 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action  
9 on or before **October 20, 2020**, the Court will dismiss this action without prejudice for Plaintiff to  
10 refile the case with the Court, under a new case number, when Plaintiff has all three documents  
11 needed to file a complete application to proceed *in forma pauperis* or pays the the full \$400 filing  
12 fee.

13 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket  
14 No.1-1, but will not file it at this time.

15 IT IS SO ORDERED.

16 DATED: August 21, 2020.

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20 NANCY J. KORPE  
21 UNITED STATES MAGISTRATE JUDGE  
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